

February 15, 2010

VIA EMAIL

Senator Marc Basnight
2007 Legislative Building
Raleigh, NC 27601-2808

Representative Joe Hackney
2304 Legislative Building
Raleigh, NC 27601-3451

Re: Request for Consultation with the Joint Legislative Commission on Governmental Operations ("Commission") Regarding Fee Changes Proposed by the North Carolina Private Protective Services Board

Dear Senator Basnight and Representative Hackney:

As counsel for the North Carolina Private Protective Services Board ("Board"), I am writing on behalf of the Board to make a request for consultation, pursuant to G.S. §12-3.1, regarding changes to Board rules 12 NCAC 7D.0202, .0702, and .0802. A copy of the rule changes is attached.

The Board is charged with carrying out and administering Chapter 74C, Article 1, of the North Carolina General Statutes, cited as the Private Protective Services Act ("Act"). The purpose of the Act is to increase the level of integrity, competency, and performance of Private Protective Service Professions in order to safeguard the public health, safety, and welfare. The Board is a fee funded entity and has experienced a substantial reduction in applications over the past year. Because of the substantial reduction in applications, the Board has suffered a significant reduction in its operating budget. It is necessary to raise fees in order to maintain a positive financial balance and to allow the Board to continue its mandate to protect the public by regulating the Private Protective Service Professions in North Carolina.

12 NCAC 7D.0202

This rule change increases the annual fee for a new or renewal license from two hundred twenty-five dollars (\$225.00) to two hundred fifty dollars (\$250.00) and the annual trainee permit fee from two hundred twenty-five dollars (\$225.00) to two hundred fifty dollars (\$250.00). The rule change also clarifies that the fifty dollars (\$50.00) new or renewal fee is per year of the license term, the twenty-five dollars (\$25.00) duplicate license fee is per year of the license term, and the fifty dollars (\$50.00) branch office license fee is per year of the license term. The statutory authority for this rule change is G.S. §74C-9. These fee increases will allow the Board to increase its revenues and to comply with its mandate to protect the public.

Senator Basnight
Representative Hackney

12 NCAC 7D.0702

This rule change increases the initial unarmed security guard registration fee from twenty-five dollars (\$25.00) to thirty dollars (\$30.00), the annual renewal or reissue fee for unarmed security guard registration from twenty-five dollars (\$25.00) to thirty dollars (\$30.00), and the transfer fee for unarmed security guard registration from ten dollars (\$10.00) to fifteen dollars (\$15.00). The statutory authority for this rule change is G.S. §74C-9. These fee increases will allow the Board to increase its revenues and to comply with its mandate to protect the public.

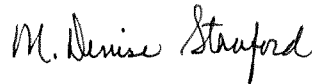
12 NCAC 7D.0802

This rule change increases the application fee for new, renewal, and reissuance of an armed security guard firearm registration permit from ten dollars (\$10.00) to fifteen dollars (\$15.00). The statutory authority for this rule change is G.S. §74C-9. This fee increase will allow the Board to increase its revenues and to comply with its mandate to protect the public.

This letter is a request for consultation in order to satisfy the consultation requirements of G.S. §12-3.1. We ask that these rule changes be placed on the upcoming agenda. Please notify me once this item has been placed on the agenda.

Sincerely,

BAILEY & DIXON, L.L.P.



M. Denise Stanford

Attachment

cc: Kathy Davis, Commission Assistant (via hand-delivery)
Fiscal Research Division (via hand-delivery)
Terry Wright (via first class mail)

230641



12 NCAC 07D.0202 is proposed for amendment as follows:

12 NCAC 07D .0202 FEES FOR LICENSES AND TRAINEE PERMITS

(a) Application, license and trainee permit fees are as follows:

- (1) one hundred and fifty dollars (\$150.00) non-refundable application fee;
- (2) ~~two hundred twenty-five dollars (\$225.00)~~ two hundred fifty dollar (\$250.00) annual fee for a new or renewal license, unless the applicant is requesting a new license be issued because of a transfer to a new company, which shall require a one hundred dollar (\$100.00) fee for issuance of the new license with the original expiration date in the new company name;
- (3) ~~two hundred twenty-five dollars (\$225.00)~~ two hundred fifty dollar (\$250.00) annual trainee permit fee;
- (4) fifty dollars (\$50.00) new or renewal fee per year of the license term for each license in addition to the basic license;
- (5) twenty five dollars (\$25.00) duplicate license ~~fee~~; fee per year of the license term;
- (6) one hundred dollars (\$100.00) late renewal fee in addition to the renewal fee;
- (7) one hundred dollars (\$100.00) temporary license fee;
- (8) fifty dollars (\$50.00) branch office license ~~fee~~; fee per year of the license term; and
- (9) fifty dollars (\$50.00) special limited guard and patrol licensee fee.

(b) Fees may be paid in the form of a check or money order made payable to the Private Protective Services Board.

*History Note: Authority G.S. 74C-9;
Eff. June 1, 1984;
Amended Eff. June 1, 2010; July 1, 1987; December 1, 1985;
Temporary Amendment Eff. January 1, 1990 for a period of 180 days to expire on July 1, 1990;
ARRC Objection Lodged January 18, 1990;
Amended Eff. June 1, 2009; January 1, 2004; February 1, 1995; July 1, 1990.*

12 NCAC 07D .0702 is proposed for amendment as follows:

12 NCAC 07D .0702 FEES FOR UNARMED SECURITY GUARD REGISTRATION

(a) Fees for unarmed security guards are as follows:

- (1) ~~twenty five dollars (\$25.00)~~ thirty dollar (\$30.00) non-refundable initial registration fee;
- (2) ~~twenty five dollars (\$25.00)~~ thirty dollar (\$30.00) annual renewal, or reissue fee; and
- (3) ~~ten dollars (\$10.00)~~ fifteen dollar (\$15.00) transfer fee.

(b) Fees shall be paid in the form of a check or money order made payable to the Private Protective Services Board.

History Note: Authority G.S. 74C-9;
Eff. June 1, 1984;
Amended Eff. June 1, 2010; December 1, 1985;
Temporary Amendment Eff. January 1, 1990 for a Period of 180 Days to Expire on July 1, 1990;
ARRC Objection Lodged January 18, 1990;
Amended Eff. December 1, 2003; July 1, 1990.

12 NCAC 07D. 0802 is proposed for amendment as follows:

12 NCAC 07D .0802 FEES FOR ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Fees for armed security guard registration permits are as follows:

- (1) thirty dollars (\$30.00) non-refundable initial registration fee;
- (2) thirty dollars (\$30.00) annual renewal, or reissue fee; and
- (3) ~~ten dollar (\$10.00)~~ fifteen dollar (\$15.00) application fee- fee for new, renewal, and reissuance.

(b) Fees shall be paid in the form of a check or money order made payable to the Private Protective Services Board.

*History Note: Authority G.S. 74C-9;
Eff. June 1, 1984;
Amended Eff. December 1, 1985;
Temporary Amendment Eff. January 1, 1990 for a Period of 180 Days to Expire on July 1, 1990;
ARRC Objection Lodged January 18, 1990;
Amended Eff. June 1, 2010; December 1, 2003; July 1, 1990.*